

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JF* D.C.

05 MAY -9 AM 10:44

RORY ALLEN GREGORY,)
)
Plaintiff,)
)
vs.)
)
GARY AARON, JOYCE ANDERSON, and)
DR. NAHEM A. NAIMEY,)
)
Defendants.)

ROBERT H. STROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

No. 04-2628MaV

ORDER DENYING WITHOUT PREJUDICE MOTION FOR PROTECTIVE ORDER

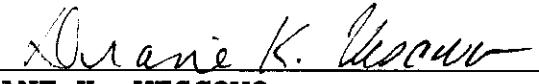
Before the court is the motion of the defendant, Joyce Anderson, FCI-Memphis Health Services Administrator, pursuant to Rule 26(c)(1) for a protective order relieving her from an obligation to respond to the plaintiff's interrogatories and requests for production of documents. The motion was referred to the United States Magistrate Judge for determination. For the reason that follows, the motion is denied without prejudice.

On August 9, 2004, the plaintiff, Rory Allen Gregory, filed a *pro se* complaint pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971). Defendant Anderson moved for dismissal of the lawsuit on February 14, 2005, and her motion to dismiss is still pending. On April 8, 2005, the plaintiff served interrogatories and requests for production of documents on

Anderson, seeking, among other things, Anderson's home address, social security number, and financial and real estate information. Anderson seeks a protective order on the grounds that the information sought is irrelevant, unduly burdensome and sought for the purpose of harassing her. She also points out that she has raised statutory immunity as a grounds for her motion to dismiss. According to the scheduling order, the discovery cutoff date is July 29, 2005.

While some of the discovery requests propounded by the plaintiff are clearly irrelevant and not likely to lead to admissible information, defendant Anderson has not presented sufficient grounds or legal authority to the court to stay all discovery. Accordingly, Anderson's motion to be relieved from responding to all the discovery requests is denied at this time. Anderson may renew her motion with objections to specific requests or with citation to legal authority supporting her position that no discovery should be had at this time.

IT IS SO ORDERED this 6th day of May, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:04-CV-02628 was distributed by fax, mail, or direct printing on May 16, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT